

1870-005 Chancery Cause: Henry Bagby vs. Adms. of Charles Cook
Lee Co.

CA-Business Dissolution

Virginia Lee county Tuit

To the worshipful county court of said county in chancery, sitting, your orator Henry Bagly humbly complaining represents to your worship, that previous & up to October 1857, himself and Charles Cook were in partnership in the Tanning Business in Lee County, about Oct 1857 they dissolved the partnership & ceased to prosecute said Business, and settled up said partnership liabilities, and ascertained the worth of their said Business, which consisted of divers debts, notes and accounts on customers, your orator was about to leave the county and therefore could not settle up & collect their debts, it was therefore agreed that the said Cook, should take possession of their notes accounts and Books, and settle & collect the money coming to them, and after paying off certain sums herein after named & returning 10 per cent for his services in collecting, he was to pay over the one half of the next balance to your orator, a list of the notes and accounts due them was made on the 28th of October 1857 and all were placed in the hands of said Cook to settle up & collect & pay out & over as stated in a writing at the bottom or last part of said list the list or statement is in the hand writing of said Cook & signed with his own name & in his hand writing, and is here filed marked A and made a part of this.

Bill, your orator further represents, that a debt
due the copartnership, of \$75 or \$80, on H. B. Allen
went into the hands of said Cook, that he
some how failed to insert in the list, refer-
to, in addition to these debts due the copartners-
hip, one Charles Hann had bought a lot
of sheep of your orator, then running in the
mountains, and agreed to gather them up
and pay to said Cook for your orator
& Cook agreed to receive for him \$1.00 per
each sheep that said Hann got, and pay
it to your orator, this last matter did not
belong to the partnership, but was an individ-
ual debt due your orator, & placed in Cook's
hands as agent to collect, your orator charges
that by reference to the list or statement made
of the debts due the partnership, as shown
in Exhibit A, there was \$1266.63 etc besides not
accrued thereon of notes belonging to them
that Cook received; subject to credits of \$158.31,
leaving a balance of principal due them
on the notes of \$1106.82. There was also of acts
due them on customers that went into his
hands \$190.92 subject to credits thereon \$14.87
There was also notes & accounts of C. Cook & Co
and the partnership of Cook & your orator
amounting to \$217.53 subject to a credit of
\$80.83 for notes lifted after the list had
been made & before signed, your orator
further charges, that ~~part~~ of the said sums
and subjects herein before stated Cook
was to collect there as diligently as possible

and such as he could not collect by force
collections, he had plen. any powers to share
sell at discount, commute, or to act there-
with as his discretion indicated to be for
the interest of the copartnership to do, and
of the money collected, he was to retain to
himself \$90.36 to equalize himself with
your orator, in some matter previous thereto
& for him doing the business he was to ret-
ain 10 percent for all actual collections, he
was ~~of~~ of the net balance to equally
divide it between himself & your orator
& of your orator's half pay James Dillard
\$18.37 your orator owed them, your orator
charges said Cook went on and collected
& settled said debts coming to the firm
or the greatest part thereof, he however died
intestate about the ~~day of~~ 1867
without having settled up & accounted
for your orator's part thereof, and after
his death John M. Cook & Charles F. Cook were appointed
& qualified his administrators as such ~~was~~
appointed ~~his~~ ~~and your~~
sister ~~etc~~, and received all his papers
& books etc and with the others the uncollected
notes & accounts due the partnership of
said Cook & your orator, and has
since went on and collected and
received money thereon, But no accoun-
tment has ever been rendered to your
orator, of the sums collected, by either
Charles Cook in his lifetime or his ad-

Since his death, nor of the sums of any paid
out for your orator, he is nevertheless at
the common law & can only have a proper
account taken by & before a Commissioner
in this worshipful Court, his prayer is that
your worship take jurisdiction of the case
& cause the matters of account therein to be
settled by a Commissioner of your Court. The
representatives of deceased ordered & decreed to
pay to your orator such sums as may appe-
ar to be due him & he prays for such other
burthen & different relief as to equity and
good conscience may seem meet, to that
end he makes John M^r Charles & Cook assents & agrees
assessments, he also prays that they answer this
Bill & shew in their answer, how much Char-
les Cook or in his life collected or said
debts, what of the sums he was to pay
for your orator he has paid & file vouchers
therefor, also what debts came to the hands
of his personal representatives & what sums
they collected & what they have paid
if any thing for your orator, that is to
be paid & file vouchers for it, he prays that
they file a list of the debts uncollected
& shew why they were not collected, what
ones is now collectable & what not
and that if any that are collectable re-
main due the partnership that a receiver
be appointed to receive & collect them
under the order of your worshipful Court.
He further prays that the defendant be compelled

to answer say whether Charles Cook Jr
kept any account of his collections and
disbursements made in the matter of
partnership aforesaid, and whether or
not he did not receive the debt on #6. All
herein before spoken of, that was not
entered on the list filed as exhibit
(A) even what if any thing he collected
from Schales Hamlin on account of the
lot of sheep here in before spoken of
He also prays that the defendant dis-
cover, whether or not he has kept an
account of his collections & disbursements
on account of the partnership aforesaid
and file the same. He states that
Charles Cook Jr had a list also of
the notes & book accounts of the part-
nership effects put into his hands, his
list was made out first and is in
the hand writing of James M Young in
this list he believes & charges the debt on #6
Allen was charged & was accidentally omitted
from your outers list by C Cook Jr in
copying it from Youngs list, he prays
that the court with writ of ~~sp~~ be
sent out against the defendants com-
minding them to appear & answer this
Bill & as in duty bound he will ever
pray &c,

Burns P R

Henry Bagby
vs Bill

C Cook

1870 May. B. filed ^{against} D. & C. Cook

June. Deere filed Complaint
& cause set for hearing
July. Rule against Peff for
costs by continued
Aug. continued

Sept. Dismissed at the
Plaintiff's costs.

C 14.00

A 15.00

S 6.00

T .50

\$ 20.50

List of note to Cough & Patters:

1 John Arrey due 30 sept 1857	\$ 8.50
2 Edward Airington due 23 Jan 55	1.04
3 James E. Arnold due 25 Dec 57	3.12
4 Huse E Arnold due 12 Apr 57	3.88
5 John Miller due 21 oct 57	17.97
6 John Barker due 24 sept 57	14.85
7 Wm Barker sr due Aug 57	3.75
8 H. B. Bell due 25 Dec 57	116.09
Wm Blalock due 12 Aug 56	1.00
Thomas Babb Jr due 28 Jan 55	6.04
^{credit above \$1.47 Nov 56} John Barker due Apr 24 57	4.50
Jesse R Bloomer due 1 Jan 58	4.30
James Babb due 22 sept 57	1.90
Wm. Bishop sr due 29 may 57	3.45
or in the same oct 6 57	\$ 1.00
Henry I Barker Jr due 1 July 57	2.84
Russell Barker due 9 sept 57	6.26
Granderson, Burk due 19 July 57	4.17
David Burk due 13 Apr 57	9.00
Joseph Bloomer due oct 4 57	6.85
Grand Bledsae due 3 rd oct 57	6.34

Henry Barker due 7 oct 57	\$ 6.21
Wm. Bloomer due 7 oct 57	5.12
Nancy Bledsoe due 3 oct 57	2.25
B. W. Barker due 9 oct 1857	3.29
David Burk due 19 Dec 56	1.80
David Banner due 29 sept 57	7.44
Wm. H. Barker due 15 Nov 55-	4.00
Isaac Barker due 22 march 56	4.71
C. R. Bloomer due oct 1857	27.84
G. W. Barker due 29 Apr 56	7.92
Do due 29 July 56	4.00
do due 19 sept 54	2.83
Or on above sept 2 56	\$ 1.08
Moses Byington due Nov 54	4.25
Thomas B. Barker due 19 oct 57	75
Isaac Ball due 1 Jan 58	2.50
Robert Burk due march 1855-	7.83
Wm. Childers due 7 oct 57	7.47
Berry McConell due 1 march 57	4.46
J. R. Coal due 9 Apr 57	5.82
Or on same	\$.40
Wm. H. Carter due 20 march 57	6.84

B. H. Hill due 24 oct 57	7.50
G. W. Janson due 1 march 56	\$ 3.00
Brian Janson due 12 Nov 58	8.00
Edmond Leary due 30 sept 57	4.14
Ira Lawson due 1 sept 57	6.40
Vincent Love due 1 sept 57	9.28
Stokely Lawson due 1 Jan 58	5.60
Dyre Lawson due 1 Jan 58	2.82
Lucinda Lewis due 4 oct 57	2.75
George Lion due 25 Dec 56	7.77
Peter Lampert due 16 oct 57	4.28
J. T. Loyd due 21 oct 57	9.92
Wilburson McElroy due 2 July 57	6.09
Samuel S. McElroy due feb 57	5.61
Alford Miner due 10 march 56	5.18
G. L. McElroy due 9 oct 57	6.87
Stephen McPherson due 1 Jan 58	17.86
James McVeely due 25 Dec 57	3.00
Lewis Miner due 1 march 56	3.48
Alford Miner due 1 march 55-	4.87
Or on same 10 oct 55-	\$ 4.20
Pleasant Meridith	44

Robert Moore due Nov 55 \$ 8.72

or on same Dec 55 \$4.99

Lowan Heelray due 1 Jan 58 10.40

Gilford Minor due 1 Nov 55 5.25

Henry Murie due 1 sept 57 6.80

Barner Heelray due 27 feb 57 9.17

John Moore due 12 oct 57 5.06

Thomas G. Nodd due 10 oct 57 8.21

Wm Nottingham & Co due 17 oct 55 10.29

E. H. A. Nodd due 5 oct 57 3.50

David McNeely due 1 Nov 55 5.71

or same July 21, 56 \$3.33

Wm Offord due 1 Jan 58 1.35

Edward parsons 3.65

James Riggs due 23 oct 57 53.23

Joseph G. Riggs due 19 oct 57 1.96

Robert Russell due 1 Jan 54 6.34

or on same 37 cts

J. R. & Robinson due 20 Apr 57 4.47

J. W. Robinson due 1 Nov 54 5.70

or on same Jan 1 57 \$3.00

Andrew Riley due 1 sept 57 82

List of accounts of E. bank & others 1857

Samuel Robinson \$ 1.83

Samuel S. Gilbert 2.81

Leroy Vergble 1.40

James Stewart 1.85

Mathison Prince 2.57

Wilkinson Heelray 75

E. bank & Hiles 75

Elisha Green 2.17

Charles M. Hill 8.83

Thomas H. Smyth 75

J. W. Wilson 5.8

James Hillis 88

Walter Robins 2.55

Thomas Rogers 37

Hiram Mac 1.00

John Lancel 1.59

Abraham Roberts 2.67

John Heelray 3.62

James McKinney 5.45

Jackson Gillan 50

John G. Baker 1.18

George Stapleton	\$ 50
Wm. W. Bell	4.58
A. D. Stout	46.98
Mitchael Cecil	1.32
John B. Hamilton	2.78
Owen Franklin	54
Frank Mitchel	2.00
John Forge	.75
James Franklin	19
Thomas Starrups	2.75
Edward Airington	3.52
A. J. B. Kcebray	4.97
Henry Barker	.40
Robert Spear	.43
Erastus Rogers	4.92
Jefferson word	1.25
Susan word	2.50
James Garrison	.50
Isaac A. Hubbard	1.25
Elisha Coss	1.25
George Lions	.75
Wm. P. Winter	3.27

Green Wallen	\$ 2.58
George Hayden	.16
A. R. T. Bell	.90
John Arey	2.25
Benjamin Hill	1.48
David Banner	.75
Thomas Ashp	.45
Willis Barrel	1.00
James W. Yage	3.35
Robert Greary	3.38
Gammuel Ward	10.46
Thomas L. Pannon	3.59
Wm. L. Stubblefield	3.00
Zacariah Benton	4.09
Eli Burk	3.00
George Evans	2.00
John B. Garret	1.02
John Tret	.25
Robert Bell	1.00
L. D. Arnold	.50
# David Dickinson settled	11.42
A. D. Stout	2.60
A. D. Stout	.25

James H. Pendleton

\$ 2,25

James Ralleff due Aug 56 \$ 3,79

James J. Rogers due 1 Nov 57 12,15

Walter Robins due 17 Dec 53 1,62

cr on same march 8 \$.94

Solomon Robins due 1 sept 57 4,68

cr on same 1 sept 57 \$ 2,33

Harvey Steel due 26 sept 57 20,23

G. W. Stout due 1 Jan 58 11,85

Edward Smyth due 5 oct 57 1,27

B. Stanley due 1 sept 57 5,66

Hiram Gimpkins due 12 oct 57 3,76

James B. Scott due 1 oct 56 2,00

Wm. W. Gage due 6 oct 57 40,00

cr on same for \$ 2,96

Hiram Spraul due 6 oct 57 6,48

Ernest Thompson due 20 Aug 57 4,17

Wm. Templeton due 19 oct 57 2,43

George W. Thompson 1 sept 57 3,97

B. B. Taylor due 25 Dec 57 9,00

Ben Harpst due 6 oct 57 1,60

Jas. G. Trett due 1 Jan 56 5,50

cr on same \$ 3,56

Henry Weaver due 22 July 56	\$ 3.46
do due 17 Aug 55	3.17
cr on same for \$.30	4.00
Green Wallin due 1 Nov 55	1.25
David Willis due 29 sept 57	13.97
Joseph Willis due 14 oct 57	6.23
Wm Willis due 10 March 57	3.50
James Willis due 1 March 57	12.35
James B Ward due 1 sept 57	8.70
A. J. Wilson due 1 Jan 1858	6.85
James M. Young due 28 Jan 57	1.50
James M. Young or due 6 oct 57	15.92
A Young due	2.06
Thomas Vickers 20 October 57	5.84
receipt Wm Nichols	12.23
Thomas B Herd due 12 Nov 56	23.38
Wm Gage due 5-6 & 9-7	3.84
receipt on same due Nov 56	5.42
L H Horton due 1 Nov 54	5.77
John Gray receipt	

Elisha Coatt due 17 Nov 54	\$ 4.81
or by \$2.67 Jan 17 57	
George Cooper due 31 March 56	1.50
P. H. Duff due 21 oct 57	13.64
Winer & W. P. Duff due 5 Nov 55	4.15
Joseph Duff due 12 oct 57	4.87
Ely Dickson due 26 Nov 56	7.32
Stubblefield & Dillard due 12 Jan 57	14.00
J. H. Duff due 2 Apr 56	20.30
J. M. Dillard due 15 oct 1857	10.35
Ely Dickson due 1 sept 57	3.85
J. H. Duff due 21 oct 57	21.42
Francis M Eagle due 9 oct 57	2.65
Brient Pannon due 11 Apr 55	16.45
cr on same oct 57	\$ 1.19
John flecher due 1 Jan 58	5.09
Abels Pannon due 15 oct 57	22.39
Eleanor Planery due 10 oct 57	20.82
Wm Pannon due 5 oct 57	8.17
Abels Pannon due 19 oct 57	17.85
Wm G. Glass due 1 Jan 58	3.15
Thomas Gillam due March 56	1.87
Lilburn & Gobble due 8 Apr 57	17.5-

Samuel K. Gilbert due 1 march 54	\$ 5.94
cr by cash	\$ 5.00
John Gobble due 1 Jan 58	5.13
cr on same	\$ 2.37
James Garrett due Jan 57	3.50
Wm H. Herd due 4 Apr 57	11.49
Emanuel Hadge due 23 Aug 56	4.30
Arnold P. Hamman due 29 Sept 57	3.52
Wm Hale due	.95
John V. Hargis due 1 Nov 57	1.75
Alex Hamilton due 1 Jan 53	5.45
cr on same for	\$ 11.62
A & Wm Hall due Jan 57	4.87
Wm & Amos Hall due 1 sept 57	12.56
Wm Hall due 20 feb 56	6.12
cr on same oct 57	\$ 2.77
A. J. Hall due 6 oct 57	20.08
Abner G. Horton due 11 march 57	7.31
Andrew Jonson due 13 Jan 55	3.58
Thomas M. Layner due 6 oct 57	1.70
flom Jones due 21 oct 57	4.79
Isaac Jonson	84

List of notes to C. L. Bank

1	on Wm D Nottingham & Brothers	\$ 56.15
	due oct = 55-	
2	Henry Barker	11.98
	due Nov 1852	
3	Jacob Hinderling	9.58
	due 11 oct 52	
4	Wm Hanson	16.66
	due 5 oct 57	
5-	Litreal Martin	6.75-
	due July 14 th 1851	
	Wm L. Lawson due 18 Dec 57	25.42
	G W Wilson due 16 Dec 52	15.61
	cr by 18 Jan 53 \$10.00	
	Wm B. Neil due 1 Nov 54	4.68
	Jasper Kaler due 1 Nov 51	3.08
	acct on same for	3.34
	James I Bird due 18 Nov 49	5.50
	John G Burk due 16 Jan 52	5.75-
	Hutson Danson due 29 Aug 57	4.20
	receipt on Wm Nichols due 5-2	11.33
	rest same receipt	1.00
	receipt on same due March 53	14.80
	cr on same \$ 2.00	

receipt on same due 1 march \$4.15

receipt on same due 15 march \$7.40

acts on Book no 2 blank & co.

unsettled act on Wm D. Nottingham.

Eli McKinney for	1.00
David Mahine	.18
Elisha Creech	1.25
James Tanson	1.00
John McElroy	1.80
James Harry Jr	.63
James McKinney	.60

Jonesville Lee County

Virginia at 28 1834

This day I have back from
the note of C. bank & also
a list of the same is here
with attached amounting

to \$1266.63 subject to debts
of \$159.81 also a list of unsettled
act amount \$190.92 subject
to debts of \$14.87 also the
note & act is all of C. bank & co.

amounting \$217.53 subject
to debts and some notes left
since the listing amounting to
\$80.83 act which C. bank
is to pay him self \$90.36
which makes him equal with
the amount Boghey & his
debt of the business then
said bank is to ^{pay} attorney \$50
\$75.00 for lawyer also
sixty eight dollars and 83 cent
to C. bank & the next
proceeds of the balance
said bank is to act to
Henry Boghey for one half
as soon as I may ^{be} collected
said bank is to give 10 per
cent out all collected said
bank is manage the debts
in his judgment he thinks
best for as the said debts
is covered my loss sustained
in said debts & on act to
act for C. bank

6 bank is to pay
out of Registry part of
the Fund, \$1837, also
~~to pay the balance of~~
to pay the balance of
his note to Desperon
Estate out of the same
when collected
Charles Cook

(A)

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:
WE COMMAND YOU TO SUMMON *John M. Cook and Charles F. Cook, admors of Charles Cook dec'd*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *1st* Monday in *May* next, to answer a bill in chancery, exhibited in our said court, against *them* by *Henry Bagby*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *8th* day of *April* 18*70*, in the *94th* year of the Commonwealth.

John B. West, D. Clerk.

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Henry Bagby

vs. 2 Spain ch'y.

J. M. & C. F. Cook, Admin^{rs}

May Rules 1870.

Wm B. Lupton